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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE META PIXEL TAX FILING CASES

Master File No. 5:22-cv-07557-PCP

This document relates to:

**PLAINTIFFS' OPPOSITION TO  
MOVANTS' MOTION TO INTERVENE**

All actions

Date: December 4, 2025  
Time: 2:00 p.m.  
Judge: Hon. P. Casey Pitts  
Date Action Filed: Dec. 1, 2022

1 Plaintiffs in the above captioned action (“Plaintiffs”) oppose the motion to intervene  
2 (“Motion,” ECF No. 245) filed by movants Julio Armstrong, Chesley Bonnes, Samantha Brewster,  
3 Patricia Carlson, Cessley Cole, Leslie Dent, Lonnie Dunaway, Joanna Gasperson, Flor Gomez, Beth  
4 Howard, Jason Karras, Justin Leo, Joseph Lipuma, Alysha Ottrix, Krystal Smith, Denise Sturgeon,  
5 Angela Wardell, Rosa Wardlow, Rachel Wegleitner, and Kristen Wilder (“Movants”).

6 The Motion should be denied for a number of reasons. First, Movants have declined to  
7 provide evidence showing that most of the Movants are members of the classes currently proposed  
8 by Plaintiffs in their motion for class certification (the “Proposed Classes” in the “Class Motion”).  
9 And even if Movants were each absent class members in the Proposed Classes, this does not entitle  
10 them to unrestricted access to all case materials, including materials not filed with the court. Movants  
11 provide no authority to the contrary, or any examples where individuals electing to bring their claims  
12 in arbitration, like Movants, were permitted to intervene in a pending class action in order to obtain  
13 case materials—many of which here are designated Confidential or Highly Confidential under the  
14 Court’s Protective Order, and/or are expert materials that were created at significant expense to  
15 Plaintiffs. Indeed, some of Movants’ own cited cases provide that, in such instances, the court should  
16 refuse to modify the protective order.

## 17 **I. PERTINENT FACTS**

18 The initial complaint in this action was filed on December 1, 2022. *See* ECF No. 1. On March  
19 31, 2023, the Court appointed Plaintiffs’ counsel interim class counsel. *See* ECF No. 45. On August  
20 20, 2025, Plaintiffs filed their Class Motion. *See* ECF No. 218. Plaintiffs’ deadline for their reply in  
21 support of the Class Motion is December 15, 2025. *See* ECF No. 195.

## 22 **II. ARGUMENT**

23 Movants’ Motion should be denied for the following reasons. First, Movants base their  
24 demand for unredacted case materials, including expert reports prepared at Plaintiffs’ expense, on  
25 the ground that they are each absent class members in this action. *See* Motion at 1. But Movants only  
26 provide evidence that one Movant, Cessley Cole, is likely to be a member of the Proposed Classes.  
27  
28

1 See ECF No. 218 at 6-7. Movants otherwise offer only their *ipse dixit* that the remaining 19 Movants  
2 are also part of the Proposed Classes.<sup>1</sup>

3 And even if each Movants was an absent class member in the Proposed Classes (or were  
4 otherwise “interested parties,” Motion at 2), this would not entitle them to unrestricted access to all  
5 case materials, including materials not filed with the court, and Movants provide no authority to the  
6 contrary. Instead, Movants largely cite to inapposite cases where litigants in related *judicial cases*  
7 seek to intervene for the purpose of obtaining specific materials from cases that were resolved or  
8 were in the process of being resolved. See Motion at 4-5.<sup>2</sup>

9 What Movants do not provide is any authority where participants in *arbitration*, like  
10 Movants, were permitted to intervene in a pending class action in order to obtain case materials.  
11 Arbitration, the vehicle Movants chose<sup>3</sup> to bring their claims against H&R Block (which is not a

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12  
13 <sup>1</sup> While Movants’ counsel offers to provide the Court with the other 19 Movants’ Demands for  
14 Arbitration, see ECF No. 245-1, ¶ 4, it is unclear why these documents were not initially filed by  
15 Movants’ in support of the Motion, as they are necessary to confirm Movants’ potential membership  
16 in the current Proposed Classes. This lack of evidence is underscored by the fact that the other 19  
17 Movants base their claim of class membership on their use of “H&R Block’s do it yourself (DIY)  
18 online tax preparation service in 2021, 2022 and/or other years.” Motion at 2 (emphasis added). But  
19 the current Proposed Classes of H&R Block users are limited to visitors to the H&R Block website  
20 between January 15, 2019 and June 30, 2023,” ECF No. 218 at 6-7, raising the question of whether  
21 the “other years” Movants visited the website fall within the putative class periods.

22 <sup>2</sup> See, e.g., *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470 (9th Cir. 1992) (movant in state court  
23 case permitted to intervene in federal case settled and dismissed two years prior to obtain six  
24 deposition transcripts); *Foltz v. State Farm Mut. Auto. Ins.*, 331 F.3d 1122 (9th Cir. 2003) (collateral  
25 litigants in state court and others permitted to intervene in settled and dismissed federal court case to  
26 obtain certain case materials); *Blum v. Merrill Lynch Pierce Fenner & Smith Inc.*, 712 F.3d 1349,  
27 1353-54 (9th Cir. 2013) (state court litigant permitted to intervene in prior, settled state court action  
28 in order to obtain deposition transcript); *Olympic Refin. Co. v. Carter*, 332 F.2d 260 (9th Cir. 1964)  
(litigants in federal court case permitted to obtain certain materials from federal case closed several  
years before); *Sheet Metal Workers Nat’l Pension Fund v. Bayer Aktiengesellschaft*, No. 20-cv-  
04737-RS, 2025 WL 2380970, at \*6-10 (N.D. Cal. Aug. 25, 2025) (plaintiffs’ counsel from MDL  
litigation permitted to intervene in “parallel case” where settlement was pending in order to obtain  
discovery materials).

<sup>3</sup> Movants appear to contend they are only bringing their claims in arbitration because this Court  
“granted H&R Block’s motion to compel arbitration of such claims” in *Hunt v. Meta Platforms, Inc.*,  
No. 23-cv-04953-PCP, 729 F. Supp. 3d 964, 971 (N.D. Cal. 2024). Motion at 2. But neither Movants  
nor their counsel appear to have litigated *Hunt*, meaning that in the face of the *Hunt* decision Movants  
chose to still initiate their claims in arbitration.

defendant in the instant case), generally provides a more streamlined discovery process than what is available in a court proceeding. *See Longboy v. Pinnacle Prop. Mgmt. Servs., LLC*, 718 F. Supp. 3d 1004, 1019 (N.D. Cal. 2024) (“[L]imitation on discovery is one important component of the simplicity, informality, and expedition of arbitration.”) (internal quotations omitted). As such, Movants’ claim they are entitled to the “same evidentiary record” as the parties to this litigation is incorrect. Motion at 7.

Moreover, Movants concede the materials they seek “are otherwise unavailable due to potentially more restrictive discovery and third-party subpoena rules in AAA.” Motion at 8. However, “if the intervenor is seeking to circumvent limitations on its ability to conduct discovery in its own case or to gain access to materials it would otherwise have no right to access, a court should refuse to modify the protective order.” *In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litig.*, 255 F.R.D. 308, 324 (D. Conn. 2009) (cited by Movants) (citing *AT & T Corp. v. Sprint Corp.*, 407 F.3d 560, 562 (2d Cir. 2005)); *see also In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, No. M 02-1486 PJH, 2008 WL 4191780, at \*1 (N.D. Cal. Sept. 10, 2008) (intervenors “must initially ‘demonstrate the relevance of the protected discovery to the collateral proceedings and its general discoverability therein.’”) (emphasis added) (quoting *Foltz*, 331 F.3d at 132 (cited by Movants) (“requiring this showing of relevance prevents collateral litigants from gaining access to discovery materials merely to subvert limitations on discovery in another proceeding”)).<sup>4</sup>

### III. CONCLUSION

For the reasons stated above, Plaintiffs respectfully ask the Court to deny the Motion.

<sup>4</sup> It is unclear whether third party H&R Block was notified about Movants’ Motion, which seeks certain materials designated as confidential by H&R Block. If not, and the Court grants the Motion, it should consider staying any order while H&R Block is provided notice and an opportunity to object. *See Optronix Techs., Inc. v. Ningbo Sunny Elec. Co.*, No. 16CV06370EJDVKD, 2021 WL 2645804, at \*3 (N.D. Cal. June 28, 2021).

1 Dated: November 24, 2025

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